

STATEMENT OF PURPOSE

RS22612

Currently, Idaho code articulates criminal liability for an individual who molests another in the fashion described by law. This legislation fixes a gap in the current statute that fails to protect victims who are molested in that way, but are asleep or unconscious at the time the molestation takes place.

FISCAL NOTE

An exact measure of the fiscal impact of this legislation cannot be accurately calculated due to a number of factors. Currently, there are no mechanisms for gathering data on the number of cases involving forcible sexual penetration under these circumstances. As a result, the number of possible cases involving these crimes cannot be predicted. In addition, prosecutors have the discretion of whether and how to prosecute crimes and courts have the discretion to determine how lengthy a sentence will be. It is impossible to know the extent to which prosecutors and courts will choose to use this statute. Finally, any increase in incarceration costs cannot be determined in the absence of evidence of the number of convictions that will be obtained. Based upon these unknown variables, an exact fiscal impact cannot currently be calculated.

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